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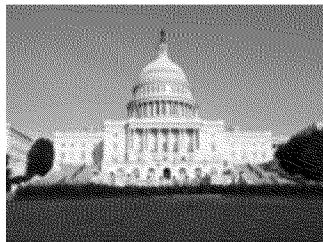
**From:** Faeth, Lisa

**Sent:** Wed 4/26/2017 3:22:20 PM

**Subject:** News Articles (For EPA Distribution Only)

## BNA DAILY ENVIRONMENT REPORT ARTICLES

## ‘Contentious’ EPA Riders Still in Ongoing Funding Bill Talks



### Snapshot

- “Contentious” EPA-related policy riders still part of the mix in fiscal 2017 funding negotiations
- Congress is working to pass a new funding bill for the remainder of fiscal 2017 by the April 28 deadline

By *Rachel Leven*

Some “contentious” EPA-related policy riders were still a part of the mix in fiscal year 2017 funding negotiations as of April 25, even as senators from both parties seem to agree “controversial riders” probably won’t be in the final bill.

Several others have already been removed from the negotiations, Sen. Tom Udall (D-N.M.), ranking member for the Senate Appropriations Subcommittee on the Interior, Environment and Related Agencies, told reporters April 25. He declined to provide more detail about the riders due to the ongoing talks.

However, a key Senate Republican said that while a few riders will probably be included in the final bill, those will probably be ones “that are agreed upon by both sides in the end.”

“I mean, I think in order to get 60 votes in the Senate, we’re going to have to have some Democrats vote for this bill,” Sen. John Thune (R-S.D.), the Republican conference chair, told reporters regarding the bill that would continue federal government funding for the remainder of fiscal 2017. “It’ll have to be negotiated.”

The comments come days before the April 28 deadline, when the federal government will shut down if Congress fails to appropriate additional funds. The Senate leadership of both parties seem optimistic that Congress will meet the deadline to fund the government through Sept. 30. Although Udall said to get a full omnibus bill there may need to be a short stop-gap measure passed through sometime next week to hammer out final details.

Other Senate Republicans and Democrats seem to be the same page as Thune. Sen. Richard

Shelby (R-Ala.), chairman of the Senate Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies, told reporters April 25, “the fewer things that are controversial the better the chance we have of passing a bill.” Sen. Debbie Stabenow (D-Mich.) agreed.

“We’re not going to accept anything that’s contentious,” she told reporters.

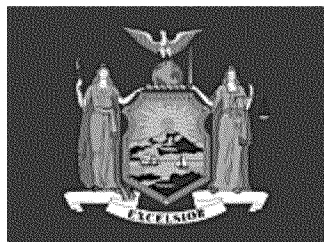
This could be good news for environmentalists, who as recently as April 25 sent a [letter](#) to leading appropriators and party leadership urging them to keep “anti-environmental riders” out of the upcoming funding bill. Almost 150 anti-environmental riders included fiscal 2017 appropriations bills discussed last year that would “drastically undermine protections for our air, water, land, and wildlife,” the letter obtained by Bloomberg BNA said.

“These riders’ consequences would be immediate and devastating for families,” 97 environmental groups including the Natural Resources Defense Council and the League of Conservation groups said in the letter. “Americans will not stand for this assault on our families’ safety and our nation’s natural places, and they will support you in resisting every damaging anti-environmental, anti-science rider.”

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## **N.Y. Draft Rule Would Require Chemical Disclosures for Cleaners**



*By [Gerald B. Silverman](#)*

Manufacturers of household cleaning products would have to disclose the ingredients in their products on their websites, under proposed [regulations](#) announced by New York Gov. Andrew M. Cuomo (D) April 25.

Cleaning-products makers also would be required to identify any ingredients that appear on authoritative lists of chemicals of concern, such as carcinogens.

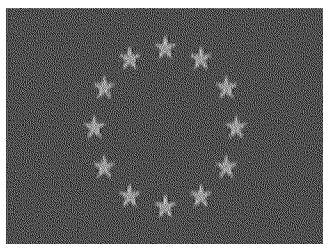
The regulations also will serve as a kind of pilot for upcoming additional disclosure requirements for personal care and children's products, Cuomo said.

The state also proposed regulations to eventually ban the use of perchloroethylene, the chemical known as “perc” used in dry cleaning.

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## Environmentalists Question EU Toxics Agency Claim That Controls Are in Place



### Snapshot

- European Chemicals Agency says it has taken steps in line with the EU REACH law to manage risks of all known hazardous chemicals
- However, agency faces both skeptics and a backlog of potentially hazardous substances

By *Stephen Gardner*

The European Chemicals Agency said it would focus on the risk assessment of hundreds of substances that might present hazards, having already taken risk management measures under the European Union's REACH regulation for substances that are known to be hazardous.

But environmentalists arguing for toxic phaseouts say it's too soon to make such a claim.

In a report April 25 on progress toward listing all relevant hazardous chemicals as “substances of very high concern” (SVHCs) under REACH, the Helsinki-based agency said that between 2013 and 2016, it had taken steps to manage the risks of all the substances in its databases “for which there was sufficient information on the hazard properties.”

However, from screening exercises, about 900 suspected hazardous substances had been identified for “further work,” and 540 of these substances “are currently having new data generated or are having data assessed,” the report said.

But work on substances with potential hazards is being held up “because of the lack of information on their hazards and on how they are used,” the agency said in a statement. Since

2013, the full process of assessing how best to manage potentially hazardous substances has been completed for only 67 chemicals, the agency said.

Geert Dancet, the chemicals agency's executive director, warned companies that they have “got to improve” in terms of the compliance of chemical safety data they provide with the requirements of REACH.

### Substance Evaluations

The agency's main sources of information are substance registrations filed under REACH (Regulation No. 1907/2006 on the registration, evaluation and authorization of chemicals) and notifications provided by companies of the classifications of the substances in their portfolios, as required by the EU CLP Regulation (Regulation (EC) No 1272/2008 on the classification, labeling and packaging of substances).

Suspected hazardous substances can be evaluated by authorities in EU member countries, potentially leading to binding requests to companies to provide further substance data. Ultimately, substances could be given the SVHC designation, which could result in a ban in the EU unless specific continued-use authorizations are given.

Of the 67 potentially hazardous substances for which risk assessment has been completed, about half were designated SVHCs.

Peter Pierrou, communications manager with ChemSec, which campaigns for phaseout of toxic chemicals, told Bloomberg BNA April 25 that the chemicals agency's claim to have tackled all known hazardous substances was an overstatement.

“Many of these so-called tackled substances are stuck” in different regulatory processes, and “looking at reality, many of these chemicals are still widely used on the market,” Pierrou said.

In total, 173 substances have so far been listed as SVHCs under REACH, and formal phaseout decisions have been taken in 31 cases. The European Commission, the EU's executive, published in 2013 a “Roadmap for SVHCs Identification,” which estimated that up to 440 SVHCs could be listed by 2020.

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### For More Information

The European Chemicals Agency report on identification of SVHCs is available at <http://bit.ly/2q1DpVY>.

## EU Finalizes Law Tightening Mercury Restrictions



*By Stephen Gardner*

European Union member countries April 25 completed the adoption of a new bloc-wide regulation that tightens controls on the sale and use of mercury and will bring the EU into compliance with the provisions of the U.N. Minamata Convention on Mercury.

The regulation, which takes effect Jan. 1, 2018, will allow imports of mercury into the EU only for a limited range of applications and will prevent the sale of products in the EU containing mercury unless there are no practical alternatives and no significant health or environmental risks.

The regulation also sets a medium-term aim to phase out mercury in dental amalgam by 2030. In the meantime, use of the substance in dentistry will only be permitted if it is encapsulated and if dentists separately collect mercury waste, similar to rules in the United States.

A panel of EU country ministers adopted the regulation as a formality during an April 25 meeting. EU countries had already agreed in principle to the regulation, and it was approved by the European Parliament in March. The regulation repeals and replaces a 2008 EU law on mercury (Regulation (EC) No 1102/2008), which already banned exports of mercury from the EU.

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For More Information

The EU regulation on mercury approved April 25 is available at <http://bit.ly/2osgDcW>.

**Few Agencies Willing to Reveal Regulatory Officer, Task Forces**



## Snapshot

- Unclear whether many agencies have appointed regulatory reform officers
- Executive order requires that officers, task forces be appointed by April 25
- Scholar suggests agencies with political appointees probably further ahead

By *Madi Alexander and Cheryl Bolen*

Federal agencies are revealing mixed results when it comes to complying with President Donald Trump's executive order to enforce his regulatory agenda, with several agencies declining to identify their officers by the April 25 deadline.

Just five agencies of the top 10 that issue the most major regulations responded to emails sent by Bloomberg BNA requesting the names of their regulatory reform officers (RROs) and members of their Regulatory Reform Task Forces. Of the five, just two provided names.

The departments of Transportation, Labor, Agriculture, Energy and the Treasury didn't respond to repeated requests. The Department of Health and Human Services acknowledged receipt of the request but did not provide names or comment.

“This is the kind of thing where it's quite likely that the president's appointees really need to be in place in order to make this happen,” said Jerry Ellig, senior research fellow at the Mercatus Center at George Mason University.

### Agencies With Appointees Ahead

Under Executive Order 13,777 signed on Feb. 24, executive branch departments and agencies were given until April 25 to appoint a regulatory officer and members of a task force.

In another 30 days, or by May 25, the task forces are required to submit reports to their agency head identifying regulations for repeal, replacement or modification.

Even if the career staff are not dragging their feet, there is a natural tendency to want to wait for political appointees to come in, to avoid starting down one path and then having to change course, Ellig said.

“I’m willing to bet that the agencies that actually have a bunch of confirmed political appointees would probably be further ahead than some of the other agencies,” he said.

### Taking Regulation Seriously

Once designated, the RRO is responsible for overseeing the implementation of initiatives and policies to ensure that agencies effectively carry out the regulatory changes ordered by Trump's administration, the order said.

Regulatory reform task forces should be comprised of the RRO, a representative from the agency's central policy office or equivalent central office, and in most cases at least three additional senior agency officials, as determined by the agency head.

***Each task force is charged with evaluating the agency's existing stock of regulations and making recommendations to the agency head about repeal, replacement or modification.***

Each task force is charged with evaluating the agency's existing stock of regulations and making recommendations to the agency head about repeal, replacement or modification. Specifically, the task forces should identify regulations that, among other criteria, eliminate jobs or inhibit job creation, are outdated, unnecessary or ineffective, or impose costs that exceed benefits.

“It wouldn't surprise me at all if this is something that the political appointees in the agencies will take very seriously,” Ellig said.

### FOIA Requests Pending

Starting April 3, Bloomberg BNA submitted requests under the Freedom of Information Act to each of 15 regulatory agencies requesting information about the selection process for their regulatory officers and task force members.

Just one response, from the Commodity Futures Trading Commission, was received as of April 24, pointing to a March 30 speech by acting CFTC Chairman Christopher Giancarlo.

In the speech, Giancarlo announced that he had designated his chief of staff, Mike Gill, as the commission's RRO.

“Pursuant to the president's order, we will review all CFTC rules in our quest to reduce regulatory burdens and costs for participants in the markets we oversee,” Giancarlo said in his prepared remarks. Trump announced his intention to nominate Giancarlo as chairman of the commission on March 14.

### EPA Ahead of the Curve

In response to emails sent by Bloomberg BNA, the Environmental Protection Agency sent a copy of a March 24 [memorandum](#) by EPA Administrator Scott Pruitt to top staff, designating Samantha Dravis, senior counsel and associate administrator for policy, to serve as RRO.



For the task force, Pruitt tapped Ryan Jackson, chief of staff, to serve as chairman. As a first step, Pruitt asked for recommendations by May 15 from several EPA offices regarding specific rules for repeal or modification.

“While we intend to do some general outreach regarding this effort, I would like the recommendations from those offices to be informed by consultation with their particular stakeholders,” Pruitt said in the memo.

Separately, the Department of the Interior provided a list of names: Dan Jorjani, regulatory policy officer, and James Cason, regulatory reform officer. Additionally, the task force includes: Amy Holley, Katharine MacGregor, Virginia Johnson and Scott Cameron.

### Enforcing Executive Orders

A spokesperson for the Food and Drug Administration referred the request for names to the White House, while a spokesman for the Department of Education said he had no comment.

Ellig said the executive order simply told agencies they must do this, and it is unclear what, if any, the consequences are for not complying.

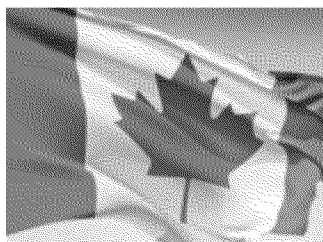
“One of the challenges with executive orders has always been how do you enforce them,” Ellig said. “The president has to be willing to take some kind of action to enforce executive orders,” he said.

There is no built-in enforcement mechanism for this order, so the administration may have to get “creative” and decide whether there will be budgetary consequences, Ellig said. For example, the director of the Office of Management and Budget now sets each agency's regulatory budget, and whether an agency is vigorously complying with the administration's policies may factor into that budget, he suggested.

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### Canada Backs International Ban on Chrysotile Asbestos



## Snapshot

- Canada supports adding chrysotile asbestos to the Rotterdam Convention
- Government to develop regulations to ban import, export, use of most asbestos in Canada

By Peter Menyasz

Canada is supporting a proposal to add chrysotile asbestos to the list of banned substances under the international Rotterdam Convention, the government said.

Canada had previously announced plans to prohibit asbestos and products containing it domestically by 2018, but said it would advocate listing of chrysotile asbestos—which some consider the least dangerous form of asbestos—as a banned substance under the international convention meetings that began April 24 in Geneva, Switzerland.

The Rotterdam Convention already bans all other forms of asbestos. In 2011, Canada under then-Prime Minister Stephen Harper successfully fought to keep chrysotile asbestos off the Rotterdam Convention's international list of hazardous chemicals.

“By supporting the listing of chrysotile asbestos to the Rotterdam Convention, Canada is taking a concrete step to promote responsible management of this harmful substance globally,” Environment and Climate Change Minister Catherine McKenna said April 21 in a statement. “We will also put in place regulatory measures to protect the health and safety of Canadians as we move forward toward a ban.”

Canada released a [consultation paper](#) outlining its proposed regulatory approach to asbestos domestically.

## More Than 50 Nations Ban Asbestos

Canada is poised to join more than 50 countries to have banned the known carcinogen, led by Iceland, which was the first in 1983. The U.K. banned it in 1999, Australia in 2003 and a European Union-wide ban was adopted in 2005. Asbestos is not banned in the U.S., however.

“The World Health Organization declared asbestos a human carcinogen in 1987. However, for many years, Canada continued to bolster asbestos exports by downplaying the dangers of the carcinogen internationally,” the Canadian Labour Congress, the country's largest labor group, said in a statement. “The Harper government even went so far as to block the addition of chrysotile asbestos to the Rotterdam Convention Prior Informed Consent (PIC) list—a position that was roundly criticized by Canada's unions, health and safety advocates, and the international community.”

The World Health Organization has said chrysotile asbestos “causes cancer of the lung, larynx and ovary, mesothelioma and asbestosis, whether or not it is less potent than amphibole types of

asbestos in doing so.”

Canadian chemicals industry representatives declined April 24 to speak on the record about the government's announcement, indicating they are discussing the situation internally and may be prepared to comment soon. Asbestos is considered especially dangerous to workers who handle it during building construction.

### Proposed Exemptions

Canada's federal consultation paper proposes developing regulations that ban the import, use, sale or offer for sale of asbestos, as well as manufacture, use, sale, offer for sale or import of products containing asbestos.

The consultation paper also proposed a list of exemptions from the overall ban, including some mining activities (there is no longer any asbestos mining in Canada; asbestos in pest control products, which are subject to stringent evaluation before authorization for use in Canada; and laboratory analysis and scientific research.

Uses that could be considered for exemptions in “exceptional circumstances” include use in friction materials, such as automotive brake pads; construction materials such as cement pipes and sheets; fabric, textile and leather goods; paper, millboard and felt products; and brake blocks for oil and natural gas extraction, the government said.

At the height of its use, asbestos was found in more than 3,000 applications, including roofing shingles, thermal and electrical insulation, cement pipe and sheets, flooring, gaskets and brake pads and shoes. Production and use have declined since the 1970s, particularly after the World Health Organization 1987 declaration that inhalation of airborne fibers can cause lung damage, lung cancer, mesothelioma and asbestosis.

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### For More Information

The Environment and Climate Change Canada consultation paper on asbestos is available at <http://bit.ly/2oY4jiY>.

## INSIDEEPA.COM ARTICLES

[NAS Expected To Bolster EPA's STAR Grants As Trump Seeks Elimination](#)

The National Academy of Sciences (NAS) is preparing to publish a report reviewing EPA's Science to Achieve Results (STAR) grant program, an external research grant program long praised by NAS and agency science advisors, even as the Trump administration is proposing to eliminate it.

## GREENWIRE ARTICLES

### Trump dumps 'sound science' from site, tweaks OSTP mission

The Trump administration removed the phrase "sound science" from the White House website and narrowed the stated mission of the Office of Science and Technology Policy, according to an analysis from an environmental watchdog.

The Environmental Data and Governance Initiative, which tracks federal websites, flagged the changes this month, although they occurred sometime between January and mid-March.

### EPA Shutdown plan would send thousands home without pay

U.S. EPA is preparing to send thousands of its employees home without pay in the event of a federal government shutdown in the coming days.

On Friday, the government will run out of money unless Congress and President Trump reach a new spending deal. If funding does run out, agencies like EPA will have to dramatically reduce operations.

## CHEMICAL WATCH ARTICLES

### **Lawyer warns of continued data-sharing and joint registration challenges**

Some data owners fear Echa wants them to do more to resolve disputes

25 April 2017 / Europe, REACH, Substance registration



The REACH Implementing Regulation on data-sharing has placed significant demands on companies managing existing agreements between registrants, according to a Mayer Brown lawyer speaking at the *Chemical Watch/Chemical Risk Manager* REACH Expo in Berlin today.

Thomas Delille said there is a clear difference between before January 2016, when the Implementing Regulation on data sharing came into force, and after.

"Companies were handling data sharing before the Regulation in ways that were not totally in line with what is now required. They might have felt they did it well because they had no disputes. But there are clear obligations on existing agreements, and they have to cope with the new obligations.

"Itemisation of costs and past costs is very demanding. And some companies are using weaknesses in existing agreements to question both their transparency or whether they discriminate."

He noted that regarding the new provisions on joint registration, Echa has a clear duty to enforce the one substance one registration (osor) principle, and the completeness of registration dossiers.

But he said a number of issues remain. These include:

- data owners fear that the agency will use the Implementing Regulation to be even more demanding on them to prove every effort has been made to resolve data-sharing disputes;
- nothing has been said or done about enforcement of the last paragraph of Article 10(a) of the Implementing Regulation, which requires the registration to be in legitimate possession of the registered data. For example, Echa has placed no warning on the substance 'infocards' published on its website regarding ownership of information; and
- some consultants have taken the lead registrant role in REACH-IT for business reasons, and they may try to avoid distributing the registration token now that osor is reinforced.

Mr Delille said these issues present a real challenge in terms of effective enforcement of the core osor principle of REACH.

## **2020 SVHC candidate list target on track, Echa says**

Roadmap report outlines agency plan to focus on groups of substances

25 April 2017 / Alternatives assessment & substitution, Data, Europe, REACH, SVHCs



Echa says work to achieve its goal to have all relevant, currently known SVHCs on the candidate list by 2020 is progressing well, and believes the target will be met.

In its third progress report on the implementation of the SVHC roadmap, the agency says its main focus is on getting more data on other substances of potential concern. It will do this by grouping of structurally similar substances – a move which should speed up the process.

The agency started reviewing implementation in 2016. This work will continue in 2017 and be published in the annual report in 2018. The review evaluates progress with the work on the different substance groups (or types of hazard properties) and the functioning of the tools used.

The third report on the SVHC roadmap evaluates activities around screening and assessment of substances, as well as risk management option analysis (RMOA) measures, carried out in 2016 and planned for this year.

### Screening

In the third round of screening in 2016, 288 substances were added to the shortlist as a result of IT-screening and a further 17 were added by member states as a result of their own national prioritisation.

Of these 305 substances, 184 were manually screened – 168 by Echa and 16 by member states. About 72% required follow-up action, undergoing the following allocation of procedures:

- 38 compliance check;
- 36 Community Rolling Action Plan (Corap);
- 18 harmonised classification and labelling (CLH);
- 14 RMOA;
- seven further assessment, and four other.

For 51 substances, pending action on a structurally-related substance is ongoing.

Over 150 substances have been selected for manual screening during 2017.

### Assessment

Over 500 substances are under generation of data or assessment either in substance evaluation (Corap), compliance check or one of the expert groups – persistent, bioaccumulative and toxic (PBT) or endocrine disruptor (ED). They may also be subject to more than one activity (for example, both Corap and the expert groups).

This number includes ongoing and concluded assessments. Three hundred and eleven of these substances are either under evaluation and/or one of the expert groups. The remaining 229 substances are under compliance check and considered as ongoing assessment, Echa says.

Of the Corap substances under evaluation in 2016, all those with ED as an initial concern were scheduled for discussion in the ED expert group, but a lack of resources from the evaluating member meant discussions only took place for around 60% of them, the agency says.

The first results of the follow-up evaluations of data received, after the compliance checks of high priority substances, will not be available before the end of the year.

Between 2012 and 2016 so far:

- the potential PBT/very persistent and very bioaccumulative (vPvB) properties of 173 substances have been assessed;
- 73 substances with potential ED properties have been looked at; and
- 116 carcinogenic, mutagenic and reprotoxic substances (CMRs) and 50 sensitisers are (or have been) under assessment.

## **RMOA**

The number of RMOAs under development, or concluded, increased slightly in 2016, with 159 substances listed since 2013, the report says. Conclusions on 67 RMOAs have been published, with around half identified as SVHCs.

In 2016, the number of new RMOAs was lower than in previous years, at 16, partly due to new information needed. However, four RMOAs were developed for large groups of substances, thereby covering a large number of individual substances.

The groups were:

- C9-C14 perfluorinated carboxylic acids (PFCA) including their salts and precursors;
- perchloric acid and its salts;
- skin sensitising substances in textile articles; and
- phenol, dodecyl-, sulphurised, carbonates, calcium salts.

Clelia Oziel

Reporter

## Related Articles

- [Echa, member states and industry consider substance grouping](#)
- [Echa picks more than 150 substances for manual screening](#)

## Further Information:

- [Annual report](#)
- [Echa press release](#)

## The Netherlands, Echa mull PAHs restriction proposal for recycled rubber crumb

Current applicable limit value 'not protective enough'

26 April 2017 / Alternatives assessment & substitution, Europe, REACH, Substances of concern



The Netherlands and Echa are exploring whether the current restriction of the content of polycyclic aromatic hydrocarbons (PAHs) in articles could be expanded to recycled rubber crumb used on artificial sports pitches.

The agency and the Dutch National Institute for Public Health and the Environment (RIVM) have conducted separate [studies](#), which concluded that the crumb poses a low health risk.

However, in its study report, Echa says that if the concentration of PAHs would be as high as the generic limit defined in REACH for mixtures supplied to the general public, the level of concern "would not be low". It added that changes to REACH should be considered.

"The current applicable limit value is not seen as protective enough, even though current concentration levels do not seem to pose much of a problem," Jochem van der Waals, senior policy adviser at the Dutch ministry of infrastructure and environment, told Chemical Watch. He said the Netherlands and Echa are discussing a draft restriction proposal.

Recycled rubber granules are regarded as mixtures. REACH restrictions that apply to this type in Annex XVII are found in:

- entry five on benzene – limited to less than 0.1% by weight; and



- entries 28-30 on carcinogenic, mutagenic and reprotoxic (CMR) substances (categories 1A and 1B).

At the meeting of the Competent Authorities for REACH and CLP (Caracal) in March, several EU and EEA member states supported the idea of a draft restriction proposal, including Belgium, Cyprus, Germany, Ireland, Italy, the Netherlands, Norway and Sweden.

The Danish EPA and the Austrian environment ministry told Chemical Watch they also support this approach.

Chemical Watch understands a follow-up discussion on the subject could take place at the next Caracal meeting in June.

In the US, the EPA and Agency for Toxic Substances and Disease Registry (ATSDR) are seeking to gather data for two studies on crumb rubber used in synthetic turf fields.

Luke Buxton

Europe desk editor

### **Related Articles**

- [Recycled rubber crumb health risk 'very low', Echa says](#)
- [US agencies request clearance for crumb rubber studies](#)

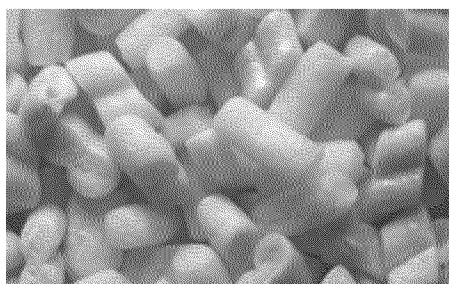
### **Further Information:**

- [Echa report](#)

### **Target to phase out expanded polystyrene packaging**

Retail chain says EPS is hard to recycle and a major cause of marine pollution

26 April 2017 / Food & drink, North America, Retail



US retailer Target has vouched to eliminate expanded polystyrene (EPS) in its own brand packaging by 2022 because it is "a pain to recycle" and "a major cause of ocean plastic contamination".

The company will work with its suppliers to find environmentally sustainable alternatives to EPS, taking into account the performance, cost and availability of materials.

The move comes after pressure from shareholder advocacy group As You Sow, which filed a shareholder proposal in February asking the company to phase out polystyrene in its products because of marine pollution concerns. The group withdrew the proposal shortly before Target announced its new policy.

As You Sow filed similar shareholder proposals with Amazon and Walmart. And it has asked McDonald's to phase out polystyrene foam cups globally. The company mostly switched to paper cups in 2013 but still uses the material in some locations.

The reason for As You Sow's concern is polystyrene packaging's major contribution to marine pollution. It is rarely recycled and easily swept into waterways, where it breaks down into small pellets which marine animals ingest and often die from.

A recent report by the Ellen MacArthur Foundation named replacing polystyrene and EPS, along with PVC, a priority in the fight against increasing ocean plastic contamination.

### **Human health concerns**

NGOs Safer Chemicals, Healthy Families (SCHF) and the Environmental Defense Fund (EDF) praised Target's decision to move away from EPS. SCHF said the material is "an environmental and human health nightmare. Its manufacture exposes workers and communities to styrene, a known carcinogen."

The US EPA has not formally classified styrene as carcinogenic. But California's Office of Environmental Health Hazard Assessment (Oehha) has listed it as such under Proposition 65.

SCHF hopes Target will expand its policy to tackle other packaging materials of concern, such as BPA and highly fluorinated chemicals.

EDF said the retail chain's initiative "provides a real demonstration of its pledge to tackle chemicals of concern up the supply chain".

The group had also applauded Target's chemicals policy, which includes plans to phase out phthalates, NPEs, parabens, formaldehyde and formaldehyde-donors from formulated products the store sells by 2020. This will include beauty, baby care, personal care and household cleaning products.

Target has also committed to phasing out perfluorinated chemicals (PFCs) and flame retardants from textiles – including clothing, carpets and upholstered furniture – by 2022.

Its pledge to phase out EPS is one of five sustainable packaging goals. The others concern increasing its use of recyclable materials, and sustainable sourcing of paper-based packaging.

Vanessa Zainzinger

Biocides editor

### Related Articles

- [California lists styrene as carcinogen under Prop 65](#)
- [Target's chemicals commitments 'up the ante' for retail sector](#)

### Further Information:

- [Target's sustainable packaging goals](#)
- [As You Sow withdraws shareholder proposal to Target](#)
- [As You Sow asks four brands to phase out polystyrene foam](#)
- [Ellen MacArthur Foundation report](#)

### TSCA new chemicals programme named a top regulatory burden

Industry groups lobby Department of Commerce on array of regulations

26 April 2017 / TSCA, United States



Chemical manufacturers say the TSCA new chemicals review programme is one of the biggest regulatory burdens impeding domestic manufacturing, according to recent comments submitted to the Department of Commerce.

The feedback came in response to a request from Secretary of Commerce Wilbur Ross Jr, who asked American manufacturers for input on the "unnecessary burdens manufacturers face from federal permitting and regulatory requirements". This was issued at the direction of President Trump's 24 January memo on reducing such burdens for domestic manufacturers.

In its response, the American Chemistry Council (ACC) named among the "four most burdensome regulations impacting companies" the TSCA new chemicals review programme, and the backlog for review of pre-manufacture notices (PMNs) that has grown since passage of the Lautenberg Act last year.

3M agreed that the new chemicals programme is among the most onerous, and said the current delays result in a "powerful disincentive to manufacture new chemicals in the US".

It said the EPA could improve this process by "restoring clarity on information requirements and maximising use of modelling and analogue data to minimise the need for animal testing".

The ACC suggested that the agency resume the use of non-5(e) significant new use rules (Snurs) and explore alternatives ways of mitigating identified risks beyond consent orders.

### **TSCA proposals cause concern**

Other industry groups criticised proposals introduced under the recently reformed TSCA.

The American Wood Council, for example, said the EPA's approach under its proposed TSCA risk evaluation rule to evaluate all foreseeable uses of a chemical in commerce would lead to "overly conservative assessment for uses that have a low exposure potential".

It urged the agency to identify substances with low exposure as low priority for risk evaluation, and to rely on best available science and weight of evidence in its assessments.

Petrochemicals manufacturer Valero raised concerns with the TSCA 'inventory reset' proposal and the potential for substances identified as 'inactive' to be restricted from import. It called for clarification on enforcement of this issue.

And the Halogenated Solvents Industry Alliance said three proposed TSCA section 6 rules that would ban certain uses of trichloroethylene, methylene chloride and N-methylpyrrolidone (NMP) should not be adopted, as "the existing comprehensive regulatory framework adequately protects worker, consumer and public health."

"TSCA was intended as gap-filling legislation. Here there is no gap to fill," it added.

### **Overlapping regulations, risk assessments**

Other groups urged the department to reduce regulatory overlap and "redundant" agency efforts.

The American Composites Manufacturers Association (Acma) questioned the necessity of various chemical hazard and risk assessment activities, including the EPA's Integrated Risk Information System (IRIS), TSCA risk evaluations, the Center for Disease Control's Agency for Toxic Substances and Disease Registry (CDC/ATSDR) and the National Toxicology Program's Report on Carcinogens (NTP RoC).

"Many of these redundant programmes could be profitably eliminated and the resource savings invested in improving the quality, reliability and timeliness of a well-managed and properly focused chemical risk assessment programme," it said.

The plastics industry trade group PLASTICS urged collaboration and communication between federal, state and agencies in countries such as Canada to reduce overlap.

### **Additional issues, suggestions**

In addition to concerns with the new TSCA, industry groups pointed to a wide array of regulatory schemes, under several agencies, as sources of frustration.

The Motor Equipment Manufacturers Association (Mema) and electronics trade group IPC both named the Securities and Exchange Commission's (SEC) **conflict minerals reporting rule** among the most burdensome regulatory requirements for domestic manufacturers.

Mema also said that recent changes to the standard for **occupational exposure to respirable crystalline silica** were "not necessary and the rule does not provide any additional safety benefit".

The American Petroleum Institute (API) called for "balanced" representation on the **EPA's Science Advisory Board (SAB)** from industry, which it says has often been excluded due to financial conflicts of interest. "We recommend that the SAB Office reconsider how it views a balanced panel and be encouraged to evaluate fairly the full suite of candidates interested in serving in this capacity."

A diverse coalition of trade groups – comprising the American Home Furnishings Alliance, the Kitchen Cabinet Manufacturers Association, the International Wood Products Associations, the Recreational Vehicle Industry Association, the National Retail Federation and the Retail Industry Leaders Association – called on the Trump administration to "substantially improve or eliminate" the **EPA's formaldehyde emissions standards for composite wood products**.

The new regulation will "severely disrupt the supply chain for US businesses manufacturing and selling" a wide variety of products, it said.

The costs and burdens associated with the **EPA's nanomaterials reporting rule** were flagged up by several groups, including the American Coatings Association (ACA) and the Nanomanufacturing Association (NMA).

The Steel Manufacturers Association and the Specialty Steel Industry of North America questioned the utility of information the steel industry is required to furnish under the **TSCA Chemical Data Reporting (CDR)** rule. They said it was "difficult to see the purpose" of the requirement.

And the ACC named aspects of the Occupational Safety and Health Administration's (Osha) **2012 Hazard Communication Standard (HCS)** among the industry's biggest regulatory

burdens. It took particular issue with the requirement that threshold limit values set by the American Conference of Governmental Industrial Hygienists (ACGIH) must be included in safety data sheets (SDSs).

"Federal agencies should not require the use of what are essentially *de facto* private standards without notice and comment," said the ACC's comments.

It also urged the department to evaluate other instances when agencies refer to "private sector standards or other mechanisms that have not been subject to broad stakeholder input and comment", such as the EPA's recommendation for federal purchasers to use schemes like Cradle to Cradle and the Living Building Challenge.

Kelly Franklin

Editor, North America

### **Related Articles**

- [ACC's Dooley: Stakes are high for getting TSCA right](#)
- [Halt on TSCA 'non 5\(e\) Snurs' raises industry concerns](#)
- [Stakeholders divided on defining conditions of use under TSCA](#)
- [Downstream users question processing halt on inactive substances](#)
- [Industry groups find statutory shortcomings in TSCA ban proposal](#)
- [US EPA further delays formaldehyde rule implementation](#)
- [US EPA issues final nano reporting rule](#)

### **Further Information:**

- [Docket](#)
- [RFI](#)
- [Trump memorandum](#)

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## **OTHER ARTICLES**

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